

beneficiary of the deed of trust be substituted as the real party in interest. It is the undersigned's understanding that plaintiffs' counsel will file a motion to substitute the real party in interest, DLJ Mortgage Capital, Inc. ("DLJ"), in Ocwen's stead.

4. DLJ wishes to assert counterclaims, including a claim that it is equitably subrogated to the original purchase money loan. However, given the juxtaposition of the case, it is not a party to the lawsuit. Moreover, it does not seem appropriate for Ocwen to assert the counterclaim given that it is no longer the servicer.

5. Ocwen therefore requests that the Court grant leave for the proper defendant to assert a counterclaim once it is properly joined in this lawsuit. The counterclaim would be asserted after the deadline for amending pleadings, and therefore leave of Court is required.

6. Plaintiffs' counsel has advised that he is unopposed to this motion.

WHEREFORE, Ocwen respectfully requests that the Court grant leave to file counterclaims after the January 5, 2015, deadline and that it have such other and further relief to which it may be entitled.

Respectfully submitted,

/s/ Timothy M. McDaniel

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served upon the following counsel as indicated below on January 5, 2015.

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/s/ Kelly Conklin

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